

**NOT RECOMMENDED FOR PUBLICATION**

No. 24-1617

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**

Aug 15, 2024  
KELLY L. STEPHENS, Clerk

DAVID ANGEL SIFUENTES III,	)	
	)	
Plaintiff-Appellant,	)	
	)	ON APPEAL FROM THE UNITED
v.	)	STATES DISTRICT COURT FOR
	)	THE WESTERN DISTRICT OF
AT&T MOBILITY, LLC,	)	MICHIGAN
	)	
Defendant-Appellee.	)	

**ORDER**

Before: SUTTON, Chief Judge; McKEAGUE and MATHIS, Circuit Judges.

This matter is before the court upon initial consideration of appellate jurisdiction.

David Angel Sifuentes III filed a civil action against AT&T Mobility, LLC (AT&T), alleging injuries from a data breach. AT&T moved to compel arbitration and to stay the case pending that arbitration. On July 12, 2024, the district court granted AT&T's motion. In addition, the district court denied several motions filed by Sifuentes, including a motion for a permanent injunction that sought to bar the court's use of its screening process for restricted filers. The district court thereafter administratively closed the case, subject to the participation of the parties in arbitration. The district court informed the parties that either party could move to reopen the case, if necessary, when arbitration concluded. Sifuentes filed a notice of appeal from the district court's order.

The district court's July 12, 2024, order compelling arbitration is not appealable. "[A] party may not appeal an order compelling arbitration if the court stays the underlying suit, which makes everything interlocutory and non-appealable under [9 U.S.C.] § 16." *Preferred Care of*

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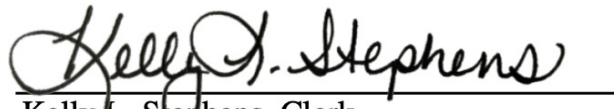
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*Del., Inc. v. Est. of Hopkins ex rel. Hopkins*, 845 F.3d 765, 768 (6th Cir. 2017) (emphasis omitted) (citing *Green Tree Fin. Corp.–Ala. v. Randolph*, 531 U.S. 79, 87 n.2 (2000), and *ATAC Corp. v. Arthur Treacher’s, Inc.*, 280 F.3d 1091, 1097–99 (6th Cir. 2002)). And an otherwise non-final order does not become final and appealable because the district court administratively closed the case. See *Rodriguez v. Hirshberg Acceptance Corp.*, 62 F.4th 270, 275 (6th Cir. 2023). Administrative closings only remove a case from the court’s active docket. *Id.* at 274.

However, the portion of the July 12 order denying Sifuentes’s motion for a permanent injunction is immediately appealable pursuant to 28 U.S.C. § 1292(a)(1). See *United States v. Contents of Accounts*, 629 F.3d 601, 605 (6th Cir. 2011); *Hudson v. Barr*, 3 F.3d 970, 973 (6th Cir. 1993).

Accordingly, it is ordered that the appeal is **DISMISSED IN PART**. Only issues regarding the denial of the permanent injunction may be raised on appeal.

ENTERED BY ORDER OF THE COURT

  
Kelly L. Stephens, Clerk

**United States Court of Appeals for the Sixth Circuit**

**U.S. Mail Notice of Docket Activity**

The following transaction was filed on 08/15/2024.

**Case Name:** David Sifuentes, III v. AT&T Mobility, LLC

**Case Number:** 24-1617

**Docket Text:**

ORDER filed: It is ordered that the appeal is DISMISSED IN PART. Only issues regarding the denial of the permanent injunction may be raised on appeal , decision not for publication. Jeffrey S. Sutton, Chief Circuit Judge; David W. McKeague, Circuit Judge and Andre B. Mathis, Circuit Judge.

**The following documents(s) are associated with this transaction:**

Document Description: Order

**Notice will be sent to:**

David Angel Sifuentes III  
439 More Street, N.E.  
Unit 2  
Grand Rapids, MI 49503

**A copy of this notice will be issued to:**

Mr. Thomas Martin Amon  
Ms. Ann E. Filkins